

THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
(EPA)

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PUBLIC MEETING IN RE: :
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POLYCHLORINATED BIPHENYLS IN :
NEW YORK CITY PUBLIC SCHOOLS :
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PUBLIC MEETING
Brooklyn, New York
Wednesday, June 11, 2014

Reporter by:

JOSEPH V. CONNOLLY

Job No. 11929

A P P E A R A N C E S :

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AUDIENCE: (All names phonetically spelled)

INTERPRETERS:
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BY: Jorge Padron &
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June 11, 2014

6:30 p.m.

PUBLIC MEETING, held at P.S. 133, William
Butler School, 610 Balstic Street,
Brooklyn, New York, 11217, before
Joseph V. Connolly, a Reporter and Notary
Public within and for the State of
New York.

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MS. KELLEY: We're going to go ahead and get started. If you can come in and take your seats?

My name is Sophia Kelley and I'm with the Environment Protection Agency.

And I'm really flattered by the people that have come out. And this is the last meeting that we've had, in a series of five, on issues involving the New York City schools.

I'm just going to make this brief since we have a rather small crowd.

We have an Official Court Reporter, who is going to be taking down comments from the public at the end of our presentation. His name is Joe Connolly.

And if you would like to make a comment at the end of presentation, we'll just ask people to lineup at the microphone and you can stated your name and then give your opinion for the record.

We're also taking written

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2 comments. Those are -- the information
3 on where to send those will be provided
4 and we'll be taking those until June
5 30th.

6 I would like to introduce Jim
7 Haklar, who is the PCB Coordinator for
8 the EPA, and he's going to get started
9 with the presentation.

10 Thank you.

11 MR. HAKLAR: Okay. Thank you,
12 Sophia.

13 Let's start with just discussing
14 the question of: Why are we having this
15 Public Meeting tonight?

16 There really two reasons -- just
17 to reiterate what Sophia was saying --
18 was to really accept and receive your
19 comments of New York City's Plan to
20 address the PCB's in the schools. And
21 you can provide the comments tonight or
22 you can send them to me at this address
23 (indicating); or e mail them to me at
24 this address (indicating). And both of
25 the addresses are in the flier.

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2 So, let me give you just a little
3 bit of background on PCB's.

4 You can see that these are
5 man-made chemicals. They do not occur
6 naturally in nature.

7 They were manufactured for, like,
8 from about the 1930's through the late
9 1970's. They were used in a lot of
10 different industrial, commercial
11 applications, including in building
12 materials, such as paints and building
13 caulk.

14 And they, we know that they are
15 hazardous and they are, potentially,
16 cancer-causing.

17 And because they are hazardous
18 and, potentially, cancer-causing, the
19 EPA and Congress has banned their
20 manufacture in the late 1970's.

21 Now, how do we know that PCB's
22 are in the New York City schools?

23 Well, several years ago there
24 were several individuals that would
25 collect the samples of the building

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caulk. And then they would take the samples, have the samples analyzed and then they provided the analytical results to the EPA. They also provided the results to the New York Daily News.

And once the EPA saw the levels of the PCB's, we realized that this would be a situation that needed to be addressed. And we entered into discussions with New York City.

And those discussions resulted in a formal agreement, called a Consent agreement, that both EPA and New York needed to sign. And it was to address the PCB's in the New York City schools.

And just a little bit more about this Agreement.

It's about four an a-half years old. It was signed in early 2010.

It required New York City to perform a study of ways to deal with PCB's. And that study is called the Pilot Study.

And the City looked at five older

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2 schools in -- excuse me -- in the City.
3 And these older schools have PCB's in
4 their building materials.

5 And based on the results of Pilot
6 Study, New York City prepared a Report,
7 which included their proposal to deal
8 with the PCB's. And that proposal is
9 what's called the Preferred Citywide
10 Remedy.

11 And now, at this time, I'm going
12 to hand over the microphone to Ed
13 Gerdts, who worked with TRC, a
14 consultant for New York City.

15 And he's going to be explaining
16 the Pilot Study in a little more detail.

17 MR. GERDTS: Thank you, Jim.

18 Yeah; my name is Ed Gerdts.

19 I work for TRC and we were
20 retained by the School Construction
21 Authority to perform a Pilot Study for
22 PCB's in the schools.

23 And I'm going to talk about that
24 in a moment.

25 This is an overview of an

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introduction to the issue; background on the Pilot Study; what we actually did; talk about the results that we found; the remedy that we're proposing; and then some long-term monitoring that we're going to be conducting.

So, PCB's, as Jim mentioned, PCB's are the chemicals that were used in a lot of products, you know, throughout the nations, not just in New York City. So, during this time period there were over a billion pounds, at 1.4 billion pounds of PCB's, that were manufactured and used in products, primarily in oils for electrical components.

But, as we found out, they were also used in other materials, in consumer products. And in 1950 they started using it in caulk.

So, the caulk was used around the windows, the caulk around the doors, those kind of masonry joints. And the PCB's added to the flexibility of the

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caulk; so it could move when the temperature changed with the materials, the building materials.

It was banned in 1978.

And in 2009 the EPA issued some guidance. So, it's a relatively new issue. So, just in 2009 the EPA issued guidance relative to this.

As Jim mentioned, there was a Consent Agreement, a Final Order, to address this issue with New York City and the New York City schools.

The ultimate goal of this was to find a citywide approach on how to deal with it.

And we needed information to get to that point. And the Pilot Study has provided a lot of valuable information relative to that.

And this study is the first of its kind in the nation. So, it's an emerging issue. And it's -- we can talk a little bit about this study -- but, again, the idea is: How are we going to

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deal with this on a citywide basis?

So, the Pilot Study looked at various different remedial alternatives.

So, what are we going to do with this caulk?

We can encapsulate the caulk; we can patch-and-repair the caulk; we can remove the caulk.

A lot of times we have to, the City has to, remove windows and replace windows, which is something that's going to impact the caulk. So, that's a typical thing that the City runs the cost on, on a routine basis.

So, the idea was: What are, you know, what are the impacts to those activities? What are the best ways to do those things? And how, you know, to find practical ways in managing this issue.

One: We were focusing on the caulk.

One thing that came out of the Pilot Study was: Well, there's not just

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2 PCB's in this caulk; there are still
3 PCB's in many light ballasts in the
4 schools.

5 And, as a result, in 2011 we
6 added a school where we looked at the
7 light ballasts, as well, and collected a
8 pre and post-light-ballast removal
9 samples.

10 So, this is the overview, again,
11 of the study (indicating).

12 We look at -- there was one
13 school selected in each borough that was
14 of the age where PCB's were used.

15 Again, you know, PCB's are used
16 in school -- were used in school
17 buildings during this time period, as
18 well as many other buildings. And it's
19 not just limited to New York City.

20 But these five schools were
21 selected because of their age and
22 because of their ventilation system,
23 which represented that era of building.

24 And there were five different
25 remedial approaches, which were

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approaches that we wanted to study.

So, in 178, in the Bronx, we did the patch-and-repair; 199M, we did a remove-and-replace; 183Q was a window removal; 3R was a light fixture removal; and, 309K we looked at encapsulation.

Ultimately, what we did was, we did remove all of the light fixtures from each of these schools, as well, as part of this program.

What the Pilot Study did, so we did these activities in each of these schools. And, essentially, what we looked at was, before we had an activity, we took samples and then, you know, after, in the same location, we took another samples to see if there was any impact: Did the concentrations go up; did they go down; what happened?

We look a look at the air, dust and soil.

So, air samples: Surface samples, to see if there's any PCB's in the dust on the surfaces and soil

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samples for the schools that had soil around the perimeter of the building.

And we, essentially, took samples before and after. So, pre-remedial samples were before we did anything; And post-remedial samples were after we did those activities that I described previously.

An overview of the results, what we found was, that when we took our wipe samples, which represents the dust, the concentrations -- we took samples of 130 sites where we collected samples -- we took samples, again, before and after -- and we found both before and after, all of those samples, were less than the EPA guidance. So, that was a good thing.

We had one exception and we re-sampled in that location and we couldn't find that same result. We found low levels, again. So, we felt that was an anomaly.

So, routine house -- the message is routine housekeeping that's

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occurring, if there's any PCB's in the dust, it's taken care of that, if, in fact, there are PCB's in the dust.

So, housekeeping is an effective method of controlling that issue, if, in fact, there is an issue.

We took air samples pre and post and we took over 100 air samples.

And what we found is, when we did the activity, whatever it was, we, typically -- I mean, generally, we saw a decrease in the concentration. So, concentrations were at one level and, after we did the activity, they went down.

But what we did, what happened was, we identified that PCB's were also in the light fixtures in high concentrations. And that needed to be addressed because we felt it was impacting the air concentration we were finding.

And so, when we took, like I mentioned, we ended up talking all the

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1
2 fixtures out of each of these buildings
3 and we took samples afterwards. And
4 what we found was the greatest reduction
5 in air concentrations came after we
6 removed the light fixtures, which makes
7 sense. That's a high concentration
8 source. It's an electrical source where
9 PCB's were used.

10 So, again, that's the focus and
11 that's what caused the City to implement
12 a very big and comprehensive Light
13 Fixture Removal Program, which I'll be
14 talking about in a second.

15 So, generally, what we find is:
16 It's a pretty complex issue. There's a
17 lot of sources of PCB's in the schools.
18 There's various conditions that impact
19 the concentrations.

20 Light fixtures should be removed
21 first. That was where we saw the
22 greatest decrease in the concentration,
23 from the light fixtures. They should be
24 removed first and the City has embarked
25 in a citywide program to remove all of

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the light fixtures by the end of 2016,
which is a very comprehensive program.
They've spent a lot of money to do that
and it's a very good thing.

Caulk needs to be managed on an
ongoing basis.

And the PCB's can also be present
in other building materials.

So, as I mentioned this is an
emerging issue; it's a complex issue.

And one of the recommendations
is, as part of the Pilot Study, that
there should be additional studies. And
the actual Summary Report talks about
different studies that we're
recommending. And we're working with
the EPA to develop them.

The Light Fixture Program:

Again, what this whole Pilot
Study, sort of, pointed us to was in the
direction to address the Light fixtures.
And the City has embarked in a very
comprehensive light fixture removal
program. So, all of light fixtures will

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be removed by the end of 2016. There's hundreds and hundreds of school buildings that have these old light fixtures.

Currently there's 173 projects ongoing and there are 283 that have been completed since we found this issue a few years ago.

So, it's a comprehensive program and it's ongoing and we'll continue to go through 2016, when all of the light fixtures that have these PCB's will be removed from the entire school district.

Again, the overall intent of this project was to come up with a preferred citywide remedy -- and this is it in a nutshell -- that the light fixtures -- you know, the PCB light fixture removal program a very big part of that.

And in the interim, this protocol was developed to inspect and to deal with any kind of light fixture ballist used in the interim, until they can be removed.

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2 In addition, Best Management
3 Practices Plan, which was developed to
4 address the caulk on an ongoing basis,
5 to inspect it and to manage it on an
6 ongoing basis.

7 Caulk removal during Capital
8 Improvement projects, when they're doing
9 big jobs in New York City, when they are
10 removing the -- in the schools, when
11 they're removing the windows, or any
12 kind of project where you might impact
13 this PCB caulk, caulk that could contain
14 PCB's, it's sampled; it's assessed; it's
15 removed by specially trained people
16 prior to and as part of that
17 construction job, in a controlled
18 manner.

19 And likewise, when work is done
20 on the exterior of the building, the
21 soil around the building is tested.

22 So, that's part of the overall
23 capital improvements. So, there's a lot
24 of window removal projects, and door
25 projects, and improvements, exterior

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improvements, modification programs that occur, PCB caulk is tested.

If it falls into that category as a suspect material, it's going to be impacted and tested as part of this program.

In addition, long term monitoring will be conducted, as well as, as we talked about, additional studies.

The long term monitoring that's ongoing, that's going to be going on for a number of years. It's air sampling on an ongoing basis in the Pilot Study, during the heating and cooling season. Because we found the temperature impacts the concentration in a lot of situations.

In addition, both samples of remedial caulk and wipe sampling are all part of the ongoing monitoring of the hazard.

And that's the summary of the PCB Program, the Pilot Study.

With that, I'll turn it back over

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2 to Jim.

3 Thank you.

4 MR. HAKLAR: Thank you, Ed.

5 Okay. So, under the Pilot Study,
6 the work was done.

7 What are the next steps?

8 Under our formal agreement with
9 New York City, our agreement required
10 the EPA to conduct what's called a Peer
11 Review. And that was really to have a
12 group of technical experts take a look
13 at the work that was done.

14 You have to think of it, almost,
15 as if you were, let's say, writing a
16 letter to somebody and then you gave it
17 to someone else, impartial, just to make
18 sure there were no errors or mistakes.

19 Our agreement also required the
20 EPA to have this couple of meetings and
21 the other ones that we've had throughout
22 the other boroughs.

23 Now, just a little bit of
24 information about the Peer Review.

25 The Peer Review, we say, was

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independent. And that was because we did not have direct contact with the Reviewers themselves. We had a consultant who managed, managed the review.

And there was a total of three Reviewers. Two were from private industry, or the environmental field, and one was from academia, a big university in the northeast.

And what we did was, we came -- EPA came up with a set of questions that we wanted the Reviewers to focus on.

And we provided our consultants with those questions and gave them to the Peer Reviewers.

Before we gave the questions to our consultant, we had -- we shared them with New York City to get their input.

And once the Peer Reviewers did their job, our consultant took all the comments and assembled them into a Report, which we reviewed, and then prepared our own document, with our

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perspectives on what the Peer Reviewers thought and some of our -- and some of what we thought.

And both of those documents can be found at this website, which, I believe, is on the fliers.

Okay. So, let's talk a little bit about the major findings of the Peer Reviewers. What did the Peer Reviewers see?

With regard to the Summary Report that Ed and I have discussed, the Peer Reviewers thought that the report was comprehensive; that the City's consultant used appropriate technical methods during the -- and procedures during the actual investigation of the schools and the fieldwork that was performed.

The Peer Reviewers also looked at a certain aspect of the City's, what we called, their re-occupancy protocols.

So, what happens is that in a lot of schools, a lot of schools have the

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1
2 older fluorescent lights. This
3 fluorescent lighting could have an
4 electrical component called a ballast.
5 That could have PCB's in it. These are
6 the older fluorescent lights that are,
7 you know, 40, 50 years old. And when
8 those ballasts fail, they could leak or
9 smoke. And the City has an established
10 procedure for dealing with situations
11 like that.

12 Just in general, when that
13 happens, the city will evacuate the
14 area, whether it is a hallway, whatever.

15 The City will provide
16 notifications to the EPA and to, you
17 know, all the other affected parties.

18 The City will ventilate and clean
19 the area.

20 And then the City will perform
21 what's called a clearance sampling.

22 And the clearance sampling
23 consists of what's called wipe sampling.

24 And wipe sampling is where you
25 take a piece of gauze and you wipe it

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over a surface. And what you're trying to do is pick up whatever, whatever PCB's are on that surface, whether it's a table, a desk or floor. And then that gauze would be sent to the laboratory for analysis.

And what we asked the Peer Reviewers to look at was: Is that sampling alone sufficient?

And some of the Peer Reviewers believed that just that wipe sampling was not sufficient.

We also asked the Peer Reviewers to suggest other ways for dealing with PCB caulk than what was looked at in the Pilot Study, which is what Ed had mentioned a few minutes ago.

And the Peer Reviewers recommended different methods, such as using physical barriers, like paper or metal strips; or even chemically treating them, the caulk, to reduce the concentrations of PCB's.

And the reason why, why they

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looked at this is that PCB's are -- they can move around. They are what we called mobile.

And what can happen is that the PCB's in the caulk can move into the adjoining material, if it's brick or concrete or something like that, and they can even move into the air.

And just to let you know, our Office of Research and Development looked into how do people get exposed to PCB's in a building that could have PCB's in the building material.

And what they found was that the main way that people can get exposed would be by breathing in air that's contaminated with PCB's.

Okay?

We also asked the Peer Reviewers to look at: How do you address this situation citywide?

There's potentially hundreds of schools with, that could have PCB's in their building materials.

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1 And do you look at -- do you deal
2 with it, let's say, as regular
3 construction happens or do you go out
4 now and do you look at it and do you
5 deal with it?
6

7 And all three Reviewers believed
8 -- well, some of Peer Reviewers believed
9 that pro-actively dealing with the
10 situation now could significantly
11 reduce the exposure to PCB's; and all
12 three Reviewers believed that air
13 sampling would be an effective component
14 of the prioritizing the schools; which
15 ones should be dealt with first.

16 We also asked the Peer Reviewers
17 to look at ventilation and what impact
18 that has on dealing -- on dealing with
19 PCB's.

20 And all three Peer Reviewers
21 believed that getting the ventilation in
22 a school to be the best it possibly
23 could be -- which is a good thing -- it
24 could -- it would minimize -- it would
25 reduce the indoor air concentrations of

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PCB's.

And it would also be effective for other situations, like, say, dealing with mold.

One of the things that you have to realize is that a lot of schools are older. And when they were built, they had windows that can open to get ventilation in. And now, with some of the renovations, the windows are the new energy efficient windows and they really don't open. And that has the impact on the ventilation. And that's why it's important to get the ventilation systems in the schools operating as best as they can.

The Peer Reviewers also looked at what we call housekeeping in the schools or what is known as Best Management Practices.

What Ed and I mentioned a little while ago were PCB's were used in caulk and they were used to keep the caulk pliable or flexible.

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2 And, in fact, what we've seen is
3 caulk that's 40 or 50 years old that
4 looks like it was installed six months
5 ago. And that's because it has PCB's in
6 it and it keeps it nice and soft.

7 And we asked the Peer Reviewers:
8 Do you focus on that soft caulk? When
9 you're doing housekeeping, do you deal
10 with caulk that's flaking or that's
11 creating dust?

12 And the Peer Reviewers had
13 different responses. One said focus on
14 the intact caulk and another one said to
15 look at the intact and flaking caulk.
16 So, again, the responses varied.

17 We also asked the Peer Reviewers
18 to look at soil around the school
19 buildings. Because what we believe is
20 that if PCB's are found in soil near a
21 school building, it's most likely the
22 result of old construction practices,
23 where, let's say, if a window with PCB
24 caulk was being installed or pulled out,
25 it may -- little pieces of caulk may

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have broken off and gotten into the soil; contaminated the soil.

The Peer Reviewers didn't believe that pro-actively dealing with the soil -- meaning dealing with it right now -- would significantly reduce exposure. And the reason why is because we know -- because we believe that the main way that people get exposed is through inhaling contaminated air, not walking over soil that could possibly have PCB's in it.

So, let's talk a little bit about comments.

We'll, EPA, be receiving your comments until the end of the month. And in accordance with our formal agreement with New York City, based on your comments and the Peer Reviewers' comments, we may incorporate revisions. We may revise the City's Preferred Citywide Remedy.

The Preferred Citywide Remedy, as Ed mentioned, also acknowledges that

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there were some information gaps. And we've had discussions with New York City and the EPA has suggested two areas of research.

The first area deals with testing of materials; testing inside schools; different sampling methods for both indoor air and for caulk.

And then the second area is really to look at how, how much does PCB caulk contribute PCB's to the indoor air.

We know that removing the light fixtures that have PCB's in a school, it does reduce the amount of PCB's in the school. But we don't know if that's the only -- we don't know, once those fixtures are removed, if that's all that has to be done or do we have to deal with caulk that's contaminating the air.

So, that's another area for research.

And just to start wrapping up my presentation, a couple of points to

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remember.

There's a lot of work that New York City did under the Pilot Study and a lot of good, valuable information was obtained.

We now know where to look for PCB's in a school building; we know the potential types of materials that could have it.

And, as I just mentioned, by removing the light fixtures, New York City is addressing a major source of PCB's.

And also, just, you know, let's not forget, your comments actually, you know, really do matter.

And to recap -- this is taken from the slide that Ed presented -- the Preferred Citywide Remedy; and then the two ways you can send comments to us, again, regular mail to me or using e-mail at this e-mail address (indicating).

So, at this point I'm going to

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2 open up the presentation to comments,
3 questions.

4 And I'll give this mic back to
5 Sophia.

6 MS. KELLEY: Okay. Thank you
7 very much for your presentations.

8 I just wanted to say that this
9 information is available on our website,
10 including this exact presentation. So,
11 the website address is on the flier
12 that's on the table in the back.

13 At this meeting we would like to
14 take the public's comments and questions
15 for the record.

16 We have a Court Reporter. And
17 anybody who has comments and/or
18 questions, we ask that you come up to
19 the microphone.

20 If you would form a line here?

21 Don't be afraid. It's informal,
22 in terms of a meeting, and your comments
23 will be recorded for the record.

24 And we'll do our very best to
25 answer those questions, if we can,

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2 tonight. And if we can't, that will be
3 part of the Response Summary that the
4 EPA will generate.

5 So, do we have anybody who would
6 like to make a comment or who has a
7 question?

8 PASTOR KIMBALL: So, I'll just
9 ASK --

10 MS. KELLEY: Would you step up,
11 please?

12 (Approaches microphone).

13 MS. KELLEY: State your for the
14 record, please?

15 PASTOR KIMBALL: May I name is
16 Pastor Kimball.

17 (Audience applause).

18 PASTOR KIMBALL: In all the
19 schools, in all the five boroughs, are
20 they going to go and change the
21 lighting?

22 MR. HAKLAR: In all the New York
23 City schools where it's appropriate; in
24 all the New York city schools that
25 could, potentially, that could have

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2 PCB's in the light fixtures, they are
3 working diligently to change that
4 lighting and that's what will be
5 completed by the end of 2015 -- 2016.
6 Sixteen.

7 PASTOR KIMBALL: In P.S. 161,
8 they had done that in our school. And
9 they changed it. And it makes it so
10 much different. It's brighter. You can
11 see everybody. Even in the gym.

12 MR. HAKLAR: It's a good thing;
13 they are doing a good job.

14 Thank you.

15 AVONTE: Yeah, grandpa.

16 (Audience applause).

17 MS. KELLEY: Is there anybody
18 else?

19 AUDIENCE MEMBER: Is there a
20 website where we can the information on
21 the schools that are already changed and
22 the schools that are going to be changed
23 in the City?

24 MR. HAKLAR: That information
25 will be available on SCA's website.

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2 Do you have that website
3 information?

4 AUDIENCE MEMBER: I don't have
5 the information.

6 MR. HAKLAR: I mean, that
7 information is available on the inter
8 net. If you actually Google "EPA, New
9 York City PCB's," you will see that it
10 comes up, the PCB programs, when you
11 click to that.

12 AUDIENCE MEMBER: The schedule is
13 accurate to date, the changes?

14 Because I know you said "2016,"
15 is it, hopefully, to be completed by
16 that time?

17 MR. LEMPERT: If you have a
18 specific question for a specific school,
19 we'll provide that information for you.

20 AUDIENCE MEMBER: That will be
21 good.

22 Thank you so much.

23 MS. ALFANI: My name is Maria
24 Alfani.

25 My question is: The schools that

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2 are identified with this PCB, were
3 information sent to the parents for the
4 students?

5 How were the parents given the
6 information, especially the ones in
7 these different forums?

8 MR. HAKLAR: On that, I'm going
9 to defer to New York.

10 MR. LEMPert: What was the
11 question?

12 MS. ALFANI: The question is:
13 How are the parents inform, especially
14 in the schools identified with PCB's?

15 How are the parents informed
16 about it?

17 And, especially, how were they
18 aware of these different hearings that
19 are being held?

20 That's my question.

21 MR. GERDTS: The EPA hearings?

22 MS. KELLEY: As far as the EPA
23 hearings, we issued press releases,
24 public advisories and informed the
25 different PTA's.

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2 But I'm not sure whether or not
3 fliers were sent home. That was an
4 individual decision.

5 But that's regarding the EPA
6 Hearings that are on that list.

7 As far as the first part of the
8 question, which is the schools that have
9 PCB's identified in them, I don't know.
10 I think that would be a Board of Ed
11 matter.

12 MR. HAKLAR: That would be the
13 Board of Ed, Department of Education.

14 MS. KELLEY: Yes.

15 MR. LEMPert: Every construction
16 project in New York City, when we
17 provided a survey and we were
18 identifying the presence of PCB's in the
19 material, which is going to be all this,
20 all this response is going to the
21 custodial staff and the principal.

22 Any job which is starting in the
23 building start with protocol meeting,
24 where representatives from PTA, school
25 principal, contractor informing

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2 everybody at that meeting all
3 precautions and result of investigation
4 from where you can clearly see what
5 actually taking place; as far as
6 environmental concern; as far as
7 construction practice; as far as
8 methodology. All of that discussed in
9 the protocol meeting with the school.

10 MR. HAKLAR: And thank you, Alex.

11 This is Alex Lempert, with the
12 School Construction Authority.

13 MS. GIORGIO: Hello.

14 My name is Christina Giorgio and
15 I'm attorney with the New York City
16 Lawyers for the Public Interest.

17 And I see my wonderful parents
18 from the NYCC here looking for change.

19 We owe the NYCC a great debt
20 because they were the organization that
21 brought the lawsuit that expedited the
22 removal of these light fixtures.

23 So, thank you very much, NYCC.

24 So, I've had the pleasure of
25 going to all five of these meetings and

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2 I've had the pleasure of working with
3 the EPA and the City on this really
4 monumental project of how to address
5 PCB's in our public schools.

6 And I'm going to keep my comments
7 very briefly. But I know some of the
8 NYCC parents will be a little bit less
9 familiar with some of the bigger
10 pictured concerns that I have shared;
11 and some of our other major partners,
12 and others that have aired. So, I
13 thought it might be helpful to just
14 mention a couple of points.

15 And I wanted to start off by
16 saying thank you to the EPA. Thank you
17 for all work that you've been doing.

18 I know, at the end of the day,
19 everybody just wants to find the right
20 solution that's going to provide the
21 best protection for our staff and our
22 students.

23 And as I see the little ones in
24 the room today, it just, really, makes
25 you want to re-double your efforts to

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protect them, given that PCB's are known to be very perilous and toxic and can affect their ability to learn and thrive as adults.

So, this is, unfortunately, a disagreement that we seem to have with the EPA and the City and it's about how much this has to -- how much the Pilot Study has told us.

Now, there's no doubt about it. It's been a huge undertaking. But there are some concerns that we think are pretty easy fixes and we would urge the EPA to adopt these recommendations and urge the City to change their proposal.

You've heard a lot tonight about how the EPA is most concerned about exposure through breathing and the PCB's are in the air.

And I think, you know, I think this Pilot Study supports that.

How that overlays onto this proposal is very important. Because the city and the EPA have said that removing

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the light fixtures was -- you know, clearly establishes that that step has brought the air level concentrations down the most.

And it pains me to say this because I was so involved in that litigation to get those light fixtures out -- and there's no doubt about it; this is a great thing to be doing and I'm very excited about it -- but I am concerned that there may be an over statement of the actual impact of removing these light fixtures as it relates to the air concentration.

Because what we saw or what we see laid out in the Pilot Program, the report, is that there seems to be more of a correlation between the air levels dropping because the windows are opened up in the second year of the Pilot Study.

So, the first year, the windows, the testing -- the air testing was done with the windows closed. And, as we

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1
2 know, thankfully, they were able to test
3 that and find that the air
4 concentrations were quite high in some
5 of the rooms. And they said they'd have
6 to look for other sources. And that's
7 how we found out about the lights,
8 because the concentrations were high.

9 The next summer the rooms, the
10 air was tested with the windows open.
11 And we all understand what happens when
12 you open up windows. It, you know,
13 cleans the indoor air with outside air.

14 And what they did find is that
15 when you open up the windows, the air
16 concentrations go down.

17 But they also found when you fix
18 the ventilation system, the air
19 concentrations go down.

20 So, there's two main concerns
21 with that:

22 One: Not enough study has been
23 done to understand -- has been
24 undertaken to understand really how bad
25 the problem is once these lights are out

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2 and the windows are closed. Because we
3 have caulk in some of these schools that
4 tested very, very, very high.

5 You know, EPA guidelines say it
6 has to be below 50 parts per million.
7 And with some of the numbers, it seems
8 that in some of these schools they were
9 in the hundreds of thousands parts per
10 million. So, that's very, very high.

11 And, you know, do we know that
12 that is the major source of the air?

13 We just don't know.

14 And I would urge the EPA and the
15 City to go back and do some testing with
16 the windows closed so that we have a
17 spectrum to better understand the
18 problem.

19 So that's, you know, one
20 recommendation that we would like to
21 make.

22 We also are very concerned about
23 the re-occupancy protocol that the City
24 seems -- that has currently adopted and
25 wants to apply going forward.

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1
2 And folks may have a child that
3 is attending a school that had one of
4 these old PCB's light fixtures that's
5 ruptured. I don't know if anybody
6 that's here has had that. But you've
7 heard about this, where the light
8 fixture has ruptured, where there's
9 smoke emitting in the classroom. And
10 there actually were a few classrooms
11 where this has happened.

12 Again, whenever there's any smoke
13 in a classroom you're, kind of,
14 concerned about it and the various
15 toxins and things that are emitted.

16 But in this case, these are PCB
17 light fixtures that, you know, have some
18 sort of intense heat event and the EPA's
19 wonderful Office of Research and
20 Development has found out that when
21 there's an extreme heat event, like that
22 one or a light fixture, you know, where
23 it, kind of, ruptures and let's off some
24 smoke, the PCB's concentrations in the
25 room go way -- they -- they peak and

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they stay elevated for a longer period of time.

So, when something like this happens, we are very concerned about whether the air is safe to breathe.

And, as you saw from the presentation, the City is not testing the air after these extreme heat events, whether they are like this.

The wipe sampling is a good thing to do, but it does not tell you whether the air is safe to breath.

Now, luckily, all these light fixtures are going to be gone by 2016. Therefore, there's not a need to keep doing that type of testing indefinitely. But it will get us to an understanding of, when those children go back into those classrooms, confidence that the air is safe to breathe.

So, that would be a recommendation that we would like to make.

I also think that the Peer

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1
2 Reviewers make a great point about
3 helping us prioritize the schools based
4 on further air testing.

5 There was one school, P.S. 199,
6 in Manhattan that, I think, everybody
7 would agree that was very, very
8 contaminated; had -- has a terrible PCB
9 problem. And all sorts of things had to
10 be done in that school, way beyond what
11 this Pilot -- Pilot Proposal recommends
12 moving forward.

13 And if the protocols and the plan
14 that the City is proposing were adopted
15 at P.S. 199, those kids would still be
16 breathing contaminated air.

17 So, we need to make sure, if
18 there's another 199 out there that, we
19 find it and apply the appropriate plan
20 for that school.

21 And I think that's a great
22 recommendation that I urge the City to
23 adopt.

24 And I think that the EPA thinks
25 that that's a great idea, as well.

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2 So, we're going to be submitting
3 written comments and we encourage all
4 the parents to, as well.

5 But I just have two questions
6 for, probably, the City.

7 With the powerpoint, it uses the
8 phrase "In Progress for 178 Schools."

9 Do we know if "progress" means
10 new construction or something, something
11 else, like planning or that kinds of
12 thing?

13 Do you know?

14 MR. LEMPert: We're going to get
15 back to you on this point.

16 MS. GIORGIO Okay.

17 Then the other thing is: I think
18 it's not clear from the power-point what
19 the City plans to do with regard to the
20 caulk, in general?

21 I've heard about the window
22 replacements.

23 But I'm wondering, you know, is
24 there a plan to actually grind out, you
25 know, this caulk and put in something?

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2 Is there a plan to grind out the
3 substrate to minimize the
4 re-contamination of the new caulk?

5 Can you talk a little bit more
6 about the distinction between managing
7 the caulk in place versus actually
8 trying to encapsulate or prevent the
9 PCB's from volatilizing in any other way?

10 MR. LEMPert: We will respond to
11 that in writing. We will respond to
12 your question in writing.

13 MS. GIORGIO: You're not going to
14 answer my question tonight?

15 MR. LEMPert: No.

16 MS. GIORGIO: You're not going to
17 answer my question about whether
18 something is in progress?

19 You do not know the answer?

20 MR. LEMPert: We will have to do
21 an investigation to properly answer your
22 question.

23 MS. GIORGIO: Do you know if
24 "progress" means something that is in
25 progress or something else?

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MR. HAKLAR: As we mentioned a few moments ago, one -- there's a number of issues that are still -- that we have not come to a resolution on. One of them addresses one of your concerns, which is the amount of the -- the contribution of PCB's taken in the indoor air. We still don't know what that contribution is.

Is it a lot?

Is it a little bit?

What is it?

(Pause).

MR. HAKLAR: I'm just waiting.

(Pause.)

MR. HAKLAR: We've been in discussions with the City regarding the next steps in this overall process. And it's an ongoing -- it's an ongoing situation.

What I'd like to do at the moment is just briefly respond to some of your other concerns, just so that the entire audience gets and has -- has a full

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understanding of the issues.

I believe your first comment was regarding the -- regarding, obviously, the contributions of PCB's from the caulk.

And I had mentioned that that is an area we are doing further research on.

You also mentioned the issue of samples with the windows open, with the windows closed.

We believe that we need to understand -- we need to see, from the samples, what the school community is actually being exposed to; not a worst-case situation.

We know, from the initial sampling, that there are PCB's in, let's say, the Pilot schools.

But we really need to know: What is it, actually, when the weather is a little warmed and the windows are cracked open; maybe when it's a little colder and we're sampling in the

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wintertime, when the windows are closed?

We also have to understand that a lot of these, the older buildings, their ventilation system, basically, is only what's called an "Exhaust System." It's where there are some fans on top of the roof and it just pulls air through the building.

And in order for that ventilation system to operate properly, they have to get the air from somewhere to pull it through. And that means that the windows need to be cracked open.

What I personally experienced during one of the sampling events at P.S. 199, as Christina mentioned, was that P.S. 199 has an exhaust system. But with the windows closed, there's such a difference in pressure from the inside and the outside, that when you open the door to the outside, it, basically, blew all the papers in the classroom around.

In some of these schools with the

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exhaust systems, the windows need to be cracked open to operate properly.

That's just how they were designed.

I do want to also respond to your comments regarding the air testing, both for re-occupancy and the prioritization.

Currently the EPA regulations do not require the testing of indoor air. That's just how the regulations were developed years ago. And that's how they currently stand.

However, the EPA has said, in prior public meetings -- and we're saying it tonight -- that we do support the testing of indoor air, whether it's for re-occupancy or for prioritization purposes.

MS. KELLEY: Do you have any other areas of comment or questions from the public?

AVONTE: My name is Avonte.

All my question is that: Do you already know the schools that the toxic and things are in?

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2 Do you all know all the schools
3 tested?

4 MS. KELLEY: Do we know the
5 schools where the toxins are, where the
6 PCB's are?

7 MR. HAKLAR: And that's a really
8 good question.

9 What grade are you in?

10 AVONTE: Fifth.

11 MR. HAKLAR: We know the schools
12 where PCB's, where the toxins could have
13 been put in the building materials. And
14 THOSE buildings, those schools, were
15 either built or renovated -- you know,
16 fixed up -- between the years 1950 and,
17 let's say, 1979/1980.

18 Okay?

19 So, if there is a school -- I was
20 waiting for you -- if there's a school
21 that was built or fixed up between that
22 time, there's a possibility that there
23 could be PCB's. We're not saying that
24 there absolutely, definitely is. But
25 there is a possibility.

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2 AVONTE: Thank you.

3 MR. HAKLAR: You're welcome.

4 MS. KELLEY: Thank you very much
5 for your question.

6 Do we have anybody else that
7 would like to make a comment or ask a
8 question tonight for the record?

9 (No response).

10 MS. KELLEY: And, if not, we're
11 also, as we mentioned, taking comments
12 or questions that are written or via
13 e-mail. So, you can always contact us
14 until June 30th, the end of the month.
15 You can contact us via e-mail or regular
16 mail with your written comments.

17 But we stay if anybody else would
18 like to come up?

19 (No response).

20 MS. KELLEY: We'll stay around if
21 you have any further questions that
22 you'd like to ask us.

23 But thank you very much for
24 attending the meeting.

25 MR. HAKLAR: Thank you so much.

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2 MS. KELLEY: I really appreciate
3 it.

4 AVONTE: I have another one.

5 MS. KELLEY: You have another
6 one?

7 AVONTE: Yes.

8 MR. HAKLAR: Don't run.

9 AVONTE: Where the PCB's are
10 found, can they be -- like if you built
11 a school there, can they be already --
12 like -- if you build a school and can
13 they already be in -- if it -- can it be
14 -- can?

15 MR. HAKLAR: Can it already be in
16 the schools?

17 AVONTE: Yeah; can it already be
18 in the schools?

19 MR. HAKLAR: I'm sorry; I just
20 didn't hear.

21 PASTOR KIMBALL: He just wants to
22 know if, when they build the schools, if
23 there was toxins in the school already,
24 either from the lighting or other, was
25 it there when they first put it in?

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2 MR. HAKLAR: When they first put
3 it in and built the school?

4 AVONTE: Yeah, yeah, yeah, yeah.

5 MR. HAKLAR: Let me first just
6 make sure that I understand your
7 question.

8 You're saying if they take the
9 lights out, could the PCB's still be in
10 the school?

11 AVONTE: Yeah.

12 MR. HAKLAR: Is that what you're
13 asking?

14 Okay.

15 AVONTE: When it was first built.
16 Like when they built school -- yeah --
17 when they built the school and the PCB
18 was found and they took out the lights,
19 can it still be -- be -- can the PCB --

20 MR. HAKLAR: Yes, I understand
21 what your question is. I understand
22 what your question is.

23 If you think I didn't, just stop
24 me.

25 When they take out the lights,

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2 there could still possibly be PCB's in
3 the school. Because we know that PCB's
4 were used in materials such as paint.

5 PASTOR KIMBALL: Paint; yeah.

6 MR. HAKLAR: They were used,
7 also, in things like glue, what we call
8 mastics.

9 Okay?

10 That's glue, like for tiles and
11 things like that.

12 We know that it was used in
13 caulk, caulk around windows.

14 Or if you walk around, say you
15 went outside and, let's say, a building
16 you saw, there was, like, a string of
17 caulk, a line of caulk running outside
18 of the building.

19 You know, it was used at times
20 for that, too.

21 MR. LEMPert: Old schools, not
22 new schools.

23 MR. HAKLAR: Old schools; yes.

24 MR. LEMPert: It's old schools
25 and not new schools. Not the new

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2 schools.

3 MR. HAKLAR: You've got to
4 remember --

5 AVONTE: Like can it be built on
6 that thing? If they have PCB, if the
7 school was there and they had PCB, and
8 they took that school down, but they
9 built another school, could they still
10 have PCB?

11 MR. HAKLAR: I think what would
12 happen is -- let's say they still had
13 PCB's and that the school is torn down.

14 I would think that before a
15 school could be built, that you'd have
16 to look to make sure that there was
17 nothing remaining, let's say, in the
18 dirt or anything; that when they built
19 the new school, that the new school was
20 nice and clean.

21 AVONTE: Okay.

22 MR. HAKLAR: Thank you.

23 MS. KELLEY: Thank you very much.
24 It's very good to have a young
25 commenter.

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2 Would anybody else like to ask a
3 question or make a comment before we
4 close?

5 AUDIENCE MEMBER: Yes. Can I
6 come up?

7 MS. KELLEY: Yes.

8 AUDIENCE MEMBER: I just wanted
9 to ask if the PCB's removal is going on
10 and is protective?

11 MR. HAKLAR: The light fixtures
12 are being removed after hours or when
13 people are not in the school buildings.

14 I'm going to have to hand it over
15 to New York City to talk about what
16 protections that are being done and
17 things like that.

18 MR. GERDTS: Yes.

19 So, when either -- when the light
20 fixtures are removed, there's a whole
21 protocol that they use to protect the
22 building's occupants, those individuals
23 who are in the building, whether working
24 off-hours or a regular schedule. These
25 are building protocols calls that have

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been developed with, you know, through the EPA and their recommendations on how do that.

But underneath all of this, we remove the furniture; they take them down; they segregate the waste and some fixtures.

If the ballasts are actually leaking, we would put that in one drum and the others in another drum.

So, there's this whole protocol that they utilize to protect the environment and the people during the process, whether it's workers or anybody else.

The workers, all the workers are experienced workers. They understand, by training, how to work with these hazards, these types of materials, and they are properly protected from it when they do it.

So, there's pretty extensive protocol for doing that, as well as when they are doing other jobs, such as the

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2 impact of caulk, that's removed because
3 of this condition.

4 In the case of light fixtures,
5 these are electrical fixtures and
6 there's, certainly, protocols when
7 removing them.

8 And, likewise, the specialist's
9 work is going to be the removal of the
10 sub-caulk before the windows are removed
11 and before the windows can be put back
12 in.

13 There's additional supervision
14 that oversees all this, to make sure it
15 doesn't cause a problem.

16 PASTOR KIMBALL: Also, too, when
17 they do that, when they did that in P.S.
18 199, when they did the lighting
19 situation, they did it when the students
20 were out of the building.

21 MR. GERDTS: Right. Right. That
22 was after-hours. That was, sometimes,
23 weekends. And a lot of times, you
24 know, it was the summertime.

25 PASTOR KIMBALL: Before they did

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2 it in our school -- and they did a good
3 job and they did it right away -- all
4 the students were not in the building.

5 MR. GERDTS: Right. Exactly.

6 PASTOR KIMBALL: And when we came
7 up, everything was up; the electrical,
8 everything. They did the job when the
9 kids are not in contact.

10 But the main thing they should
11 do, they should come back and check the
12 air to make sure that it was done.
13 Because sometimes that students at IAP,
14 special needs, their bodies are more
15 prone to it than others. Some can't.
16 And they get sick.

17 So, I commend you all for what
18 you're doing.

19 And you should have someone check
20 on that.

21 MR. GERDTS: They do, actually.
22 Every project has oversight to make sure
23 everything is complete before anybody
24 returns the next day.

25 MS. KELLEY: Thank you very much.

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2 Again, do we have any final
3 comments or questions?

4 (No response).

5 MS. KELLEY: Just a reminder.
6 This is not your last opportunity. You
7 can submit written comments until June
8 30th.

9 Thank you very much, again, for
10 your attendance and your questions that
11 we received tonight.

12 MR. HAKLAR: Yes, thank you,
13 again.

14 (Recess: 7:34 p.m.)

15 * * *

EPA PUBLIC MEETING
CERTIFICATE

STATE OF NEW YORK)

: ss

COUNTY OF KINGS)

I, JOSEPH V. CONNOLLY, a Reporter
and Notary Public for the State of New
Jersey, do hereby certify:

THAT THE PUBLIC MEETING herein
before set forth, was duly recorded by me
and that such transcript is a true record
of the proceedings.

I FURTHER CERTIFY that I am not
related to any of the parties to this
action by blood or marriage and that I am
in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 23rd day of June, 2014.

JOSEPH V. CONNOLLY
REGISTRATION NO. 01C06174436

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